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EXAMINER PATEL, ASHOKKUMAR B				
ART UNIT 2154		PAPER NUMBER		

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/930,659

Applicant(s)

FLANAGIN ET AL.

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

#### DETAILED ACTION

1. Claims 1-37 are subject to examination.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/12/2005 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection. However, Examiner would like to present the following related to the SyncML representation protocol that is well known as it is seen from the SyncML Representation Protocol, version 1.0.1, published on 06/15/2001.

A SyncML message is a nested structure, and one or more SyncML messages can be associated with what is called a SyncML package. The SyncML Message is an individual XML document consisting of one or more elements each of one or more element types. The document consists of a header, specified by the SyncHdr element type, and a body, specified by the SyncBody element type. The SyncML header specifies routing and versioning information about the SyncML Message. The SyncML body is a container for one or more SyncML Commands. The SyncML

**Commands are specified by individual element types. The SyncML Commands act as containers for other element types that describe the specifics of the SyncML command, including any data or meta-information.**

**SyncML defines request commands and response commands.** Request commands include, for example: add (a command that allows the originator to ask that one or more data units be added to data accessible to the recipient); alert (allowing the originator to notify the recipient of a condition); copy (allowing the originator to ask that one or more data units accessible to the recipient be copied); delete (allowing the originator to ask that one or more data units accessible to the recipient be deleted or archived); get (allowing the originator to ask for one or more data units from the recipient); and search (allowing the originator to ask that the supplied query be executed against one or more data units accessible to the recipient). The response commands are currently: **status (indicating the completion status of an operation or that an error occurred while processing a previous request)**; and results (used to return the data results of either a Get or Search SyncML Command).

As already mentioned, the SyncML representation protocol (i.e. a SyncML message) is a document mark-up consisting of XML element types. The element types are defined in terms of their purpose or usage, parent elements, any restrictions on content or use and content model. The element types include so-called common use elements, message container elements, data description elements, protocol management elements, and protocol command elements. Common use element types are element types used by other SyncML element types, and include, for example,

archive, for indicating that the data specified in a delete command should be archived by the recipient of the delete command, rather than simply deleted. Thus the delete command can use the archive common use element and so is referred to as the parent element of the archive common use element type, in this context. Another common use element type is the Cmd element type, which is used to specify the SyncML command referenced by a Status element type (and so the Status element type is the parent element in this context). Another is the CmdID element type, which is used to specify a SyncML message-unique command identifier, and can have various parent elements, including: Add, Alert, Atomic, Copy, Delete, Exec, Get, Map, Put, Replace, Results, Search, Sequence, Status, and Sync.

Message container element types provide basic container support for SyncML messages. Three such element types are: SyncML, for specifying the container for a SyncML message, and having no parents since it is what is called a root or document element; SyncHdr, for specifying the container for the revisioning information or the routing information (or both) in the SyncML message, and having as a parent element a SyncML element; and SyncBody, for specifying the container for the body or contents of a SyncML message, and also having as a parent element a SyncML element.

Data description elements are used as container elements for data exchanged in a SyncML Message; data description elements include the following element types: Data, for specifying discrete SyncML data, and used by (parent elements) Alert, Cred, Item, Status, and Search element types; Item, for specifying a container for item data, and used by (parent elements) Add, Alert, Copy, Delete, Exec, Get, Put, Replace,

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Results, and Status; and Meta, for specifying meta-information about the parent element type, and used by (parent elements) Add, Atomic, Chal, Copy, Cred, Delete, Get, Item, Map, Put, Replace, Results, Search, Sequence, and Sync.

The protocol management elements include, at present, only the element type Status, for specifying the request status code for an indicated SyncML command, and used by (parent element) SyncBody. There are the Protocol Command Elements. These include the command elements already mentioned, i.e. for example: Add, for specifying that data be added to a data collection, used by (parent elements) Atomic, Sequence, Sync, SyncBody; Delete; Replace; and so on.

**Most importantly, as it is clearly spelled out under the introduction (page 8 of 105),**

The SyncML representation protocol embodies the concept of a SyncML Package. The SyncML Package performs some set of data synchronization operations. This conceptual data synchronization "package" permits either a "batch" of multiple data synchronization operations put together in a single SyncML Message or conveyed as separate SyncML Messages, each containing a single data synchronization operation. SyncML Messages are the body of the MIME entities

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims are rejected under 35 U.S.C. 102(e) as being anticipated by SyncML Representation Protocol, version 1.0.1, (herein after SyncML)

Referring to claim 1,

SyncML teaches a computer-readable medium having a data structure stored thereon for synchronizing an object between a server and a client, the data structure, **page 19**,

One of the main advantages of XML is that it is a widely accepted international recommendation for text document mark-up. It provides for both human readability and machine processability. In addition, XML allows the originator to capture the structure of a document, not just its content. This is extremely useful for applications such as data synchronization where not just content, but structure semantics is often exchanged.

comprising:

a synchronization message including message portions for grouping  
synchronization request activities and synchronization response activities in a single  
message, wherein the message portions; **page 8**

The SyncML representation protocol supports data synchronization models that are based on a request/response command structure, as well as those that are based on a "blind push" command structure.

The SyncML representation protocol embodies the concept of a SyncML Package. The SyncML Package performs some set of data synchronization operations. This conceptual data synchronization "package" permits either a "batch" of multiple data synchronization operations put together in a single SyncML Message or conveyed as separate SyncML Messages, each containing a single data synchronization operation. SyncML Messages are the body of the MIME entities.

, include:

a version portion of the synchronization message for indicating a  
protocol version of the synchronization message for synchronizing the object; **page 43**,

**Usage:** Specifies the major and minor version identifier of the SyncML representation protocol specification used to representation the SyncML message

a command portion of the synchronization message for indicating a synchronization action to synchronize the object between the server and the client (chapter 5); and

a response portion of the synchronization message for indicating a synchronization action error., page 5

The SyncML Commands themselves do not fully define the semantics of the SyncML Operation. For example, "Adding" a document to an application to a database may have very different semantics from "Adding" a transaction request to a queue. The semantics of a SyncML Operation are determined by the type of data that is being synchronized. This means that it is possible for an originator to request an operation of a particular recipient that makes no sense to the recipient. In that case, the recipient MUST return an error response status code.

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#### 6.1.12 MsgRef

**Usage:** Specifies a reference to a SyncML session-unique identifier referenced by a SyncML results or response status.

**Referring to claim 2,**

SyncML teaches the computer-readable medium of claim 1, wherein the command portion includes a fetch portion for identifying an object to be synchronized, and The computer-readable medium of claim 2, wherein the fetch portion indicates that the object is the only object to be synchronized. (Introduction, page 8).

**Referring to claim 4,**

SyncML teaches the computer-readable medium of claim 1, wherein the command portion includes a window size portion for indicating a maximum number of objects to



synchronize.,

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If the Put command did not include the size of the data item to be transferred (i.e., in the Meta element type), then the (411) Size required exception condition is created by the command.

If the data item to be transferred is too large (e.g., there are restrictions on the size of data items transferred to the recipient), then the (413) Request entity too large exception condition is created by the command.

If the Size specified in the Meta element type was too large for the recipient (e.g., the recipient does not have sufficient input buffer for the data), then the (416) Requested size too big exception condition is created by the command.

#### **Referring to claim 5,**

SyncML teaches the computer-readable medium of claim 1, wherein the command portion includes a more available portion for indicating that more objects are available to synchronize. (Chapter 5.5)

#### **Referring to claim 6,**

SyncML teaches the computer-readable medium of claim 1, further comprising an options portion that includes a second synchronization message. (Introduction, page 8)

#### **Referring to claim 7,**

SyncML teaches the computer-readable medium of claim 6, wherein the second synchronization message is configurable to send a second set of commands between the client and the server. (Chapter 5.5, Introduction, page 8)

#### **Referring to claim 8,**

SyncML teaches the computer-readable medium of claim 6, wherein the second synchronization message is configurable to send data between the client and the server. (Introduction, page 8)

**Referring to claim 9,**

SyncML teaches the computer readable medium of claim 1, further comprising a get changes portion that requests the server to send updates to the client. (Chapter 5.5)

**Referring to claims 10 and 11,**

SyncML teaches the computer-readable medium of claim 1, further comprising a response portion that includes a server ID that the server associated with the object when the client sends an object for addition to the server, and the computer-readable medium of claim 10, wherein the response portion includes a client ID that the client sent with the object. (Pages 11 and 12, chapter 4.17)

**Referring to claim 12,**

SyncML teaches the computer-readable medium of claim 1, wherein the object is associated with more objects to be synchronized. (Chapter 5)

**Referring to claim 13,**

SyncML teaches the computer-readable medium of claim 1, wherein the synchronization message is grouped with a second synchronization message to form the single message. (Introduction, page 8)

**Referring to claim 14,**

SyncML teaches the computer-readable medium of claim 1, wherein the synchronization message is associated with an email. (Page 65, page 93)

**Referring to claim 15,**

SyncML teaches the computer-readable medium of claim 1, wherein the synchronization message is transmitted using a hypertext transport protocol. (page 93)

**Referring to claim 16,**

SyncML teaches the computer-readable medium of claim 1, wherein the command portion includes an object data portion having object update data.(page 93)

**Referring to claim 17,**

SyncML teaches the computer-readable medium of claim 1, further comprising a status portion for indicating a status of the synchronization action..(Chapter 12)

**Referring to claim 18,**

SyncML teaches the computer-readable medium of claim 1, wherein the synchronization message further comprises: a second command portion for indicating a second synchronization action to synchronize a second object between the server and the client; and a second response portion for indicating that the second synchronization action was unsuccessful when an error occurs. (Chapter 5)

**Referring to claims 19 and 20,**

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SyncML teaches the computer-readable medium of claim 18, wherein the synchronization message further comprises an information response portion that includes requested information when the client requests information from the server, and the computer-readable medium of claim 1, wherein the synchronization message further comprises an information response portion that includes requested information when the client requests information. (page 60)

**Referring to claim 21,**

SyncML teaches a system for synchronizing an object, comprising: a server configured to receive a synchronization message, wherein the synchronization message includes portions for grouping synchronization request activities and synchronization response activities in a single synchronization message, (page 19, page 8) wherein the portions include:

a version portion of the synchronization message for indicating a version of the synchronization message for synchronizing the object; (page 43)

a command portion of the synchronization message for indicating a synchronization action to take to synchronize the object; (Chapter 5) and

a mobile device associated with the server, wherein the mobile device is configured to send the synchronization message to the server to synchronize the object. (page 5, page 67, Abstract)

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**Referring to claim 22,**

SyncML teaches the system of claim 21, wherein the server is configured to send a second synchronization message having:

a second version portion of the second synchronization message for indicating a version of the second synchronization message for synchronizing the object;

a response portion for indicating an error when an error is associated with the synchronization action. (Chapter 5.4)

**Referring to claim 23,**

SyncML teaches the system of claim 22, wherein the response portion is omitted from the synchronization message when an error is not associated with the synchronization action. (page 49)

**Referring to claim 24,**

SyncML teaches the system of claim 22, wherein the second synchronization message further comprises an information response portion for requested information when the mobile device requests information. (page 49)

**Referring to claim 25,**

SyncML teaches the system of claim 23, wherein the second synchronization message comprises a command portion for indicating a second synchronization action to synchronize a second object between the server and the mobile device. (Page 49)

**Referring to claims 26, 27 and 28,**

SyncML teaches the system of claim 24, wherein the server is further configured to update data on a second server using the synchronization message, and a system of claim 26, wherein the server is a proxy server, and wherein the proxy server associates an object on the mobile device with an object on the second server. (page 99)

**Referring to claim 29,**

SyncML teaches a mobile device having a data store and computer-executable instructions, the computer-executable instructions (page 19), comprising:

- formatting a synchronization message having message portions for grouping synchronization request activities and synchronization response activities in a single message (page 8) , wherein the message portions include:

- a version ID portion indicating a version of a synchronization protocol (page 43);

- a commands portion defining server changes for causing data on the server to synchronize with data on the data store (Chapter 5) ; and transmitting the synchronization message to the server (Abstract).

**Referring to claim 30,**

SyncML teaches the device of claim 29, wherein the synchronization message further includes a response portion for indicating the synchronization was unsuccessful when an error occurs.(page 5)

**Referring to claim 31,**

SyncML teaches the device of claim 30, wherein the synchronization message further includes an information response portion that includes the requested information when the mobile device requests information. (Page 5, Page 8)

**Referring to claim 32,**

SyncML teaches the device of claim 30, wherein the commands portion includes a fetch portion for identifying an object located on the server for updating the mobile device. (Page 8)

**Referring to claim 32,**

SyncML teaches the device of claim 30, wherein the commands portion includes a window size for indicating a maximum number of objects for the server to synchronize. (page 74)

**Referring to claim 34,**

SyncML teaches a server having a data store and computer-executable instructions, the computer-executable instructions (page 19), comprising:

receiving an update synchronization message having message portions for grouping synchronization request activities and synchronization response activities in a single message, wherein the message portions (page 8) include:

a first version ID portion for indicating a version of a synchronization protocol;

a first commands portion defining server changes for causing the data store to be synchronized with data on a mobile device; (Abstract, page 43)

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sending a response synchronization message having message portions for grouping synchronization request activities and synchronization response activities in a single message, wherein the message portions include:

a second version ID portion for indicating a version of a synchronization protocol;

a second commands portion defining mobile device changes for causing the data store to be synchronized with data on the mobile device; and

a response portion for indicating that synchronization was unsuccessful when an error occurs during processing of the update synchronization message. (Chapter 4.17, page 24,, page 50)

**Referring to claims 35, 36 and 37,**

SyncML teaches the server of claim 34, further comprising: a parser for parsing the update synchronization message; and a generator for generating the response synchronization message, and the server of claim 35, wherein the update synchronization message and the response synchronization message include a markup language, and the he server of claim 36, wherein the markup language includes an extensible markup language. (page 10, page 43)

### ***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses,




to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp  
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